

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL CLAY,

Plaintiff,

v.

ORDER

20-CV-07692 (PMH)

SERGEANT JOHN DOE, et al.,

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On October 20, 2020, the Court issued an Order, *inter alia*, directing the New York State Attorney General (“NYAG”) to identify the four John and Jane Doe defendants who Plaintiff alleges assaulted him at Downstate Correctional Facility. (Doc. 7). On December 4, 2020, the NYAG served and filed a letter advising that it was unable to determine how many “Doe” defendants there are and which individuals Plaintiff intends to sue, but provided the names and addresses of the six individuals it identified as possibly having been connected with the claims alleged in the Complaint. (Doc. 9).

Pursuant to the Court’s October 20, 2020 Order, Plaintiff’s Amended Complaint naming the John Doe defendants that he wishes to sue was due within thirty days of receiving the identifying information from the NYAG. (Doc. 7). Thus, Plaintiff’s Amended Complaint was due by January 4, 2021. (*Id.*; Docs. 9, 10). Because Plaintiff did not file any Amended Complaint or otherwise communicate with the Court within that deadline, on January 28, 2021, the Court *sua sponte* extended Plaintiff’s time to file an Amended Complaint to March 8, 2021. (Doc. 11). The Court warned Plaintiff that if he failed to file an Amended Complaint naming the John and Jane Doe Defendants he wishes to sue by March 8, 2021, this action may be dismissed for failure to comply with the Court’s orders and failure to prosecute this action. (*Id.*). The Court directed that

the Clerk of Court mail a copy of the January 28, 2021 Order with the attached Amended Complaint form to Plaintiff. (*Id.*). On February 17, 2021, the documents were returned to sender with the following notation: “Refused, Unable to forward.” Plaintiff has not filed anything to this docket since September 17, 2020. (Docs. 1-4). On March 8, 2021, the NYAG filed a letter advising the Court that it learned that Plaintiff is currently housed at Fishkill Correctional Facility, though he did not update his address on the docket. (Doc. 12).


It is Plaintiff’s obligation to provide the Court with an address for mail service, *see* Fed. R. Civ. P. 11(a), but he has not done so. The Court therefore directs Plaintiff, within thirty days (i.e., April 8, 2021), to provide the Court with his new mailing address. The Court may dismiss this action without prejudice if Plaintiff fails to provide the Court with an address for service. The deadline to file an Amended Complaint naming the John and Jane Doe Defendants he wishes to sue pursuant to the Court’s prior Orders is likewise extended to April 8, 2021.

The Clerk of the Court is respectfully directed to mail a copy of this Order, as well as the Court’s January 28, 2021 Order (Doc. 11) to Plaintiff at the address listed on the docket, as well as the following address provided by the NYAG:

Daniel Clay
DIN No. 99A0386
Fishkill Correctional Facility
271 Matteawan Road
P.O. Box 1245
Beacon, New York 12508

Dated: White Plains, New York
March 9, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge